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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
. 10/766,080	01/28/2004	Patrick H. Hool	1-24578	2225	
4859	7590 12/17/2004		EXAM	EXAMINER	
	LAN SOBANSKI & TO	GRAHAM, M	GRAHAM, MATTHEW C		
ONE MARITIME PLAZA FOURTH FLOOR 720 WATER STREET			ART UNIT	PAPER NUMBER	
	OH 43604-1619		3683		
		DATE MAILED: 12/17/2004		4	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)	V			
Office Action Comments	10/766,080	HOOL ET AL.	$-\mathcal{O}_{\ell}$			
Office Action Summary	Examiner	Art Unit	-			
	Matthew C Graham	3683				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence ad	Idress			
A SHORTENED STATUTORY PERIOD FOR REPLY THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	i6(a). In no event, however, may a reply be time within the statutory minimum of thirty (30) days ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	nely filed s will be considered time the mailing date of this c D (35 U.S.C. § 133).				
Status						
1) Responsive to communication(s) filed on						
	action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	33 O.G. 213.				
Disposition of Claims		•				
4) Claim(s) 1-15 is/are pending in the application.						
4a) Of the above claim(s) is/are withdraw	vn from consideration.					
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-15</u> is/are rejected.	6)⊠ Claim(s) <u>1-15</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
					11)☐ The oath or declaration is objected to by the Ex	aminer. Note the attached Office
Priority under 35 U.S.C. § 119						
	priority under 35 U.S.C. § 119(a)	-(d) or (f)				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents		on No				
3. Copies of the certified copies of the prior	ity documents have been receive	ed in this National	Stage			
application from the International Bureau	(PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list	of the certified copies not receive	ed.				
Attachment(s)	·	(DTO 440)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:	atent Application (PT	O-152)			

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Art Unit: 3683

The following is a quotation of the appropriate paragraphs of 35
 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3, 6-8 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by either Watanabe or Toda et al.

Note floating piston 51 in Watanabe and floating piston 45 in Toda et al.

- 3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 5. Claims 4-5, 9-10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Watanabe or Toda et al.

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The claimed invention differs from either Watanabe or Toda et al. only in the use

of a second seal and an additional control valve. It would have been obvious to one of

ordinary skill in the art to have included a second valve as a mere duplications of parts.

The use of an additional control valve would have been obvious to one of ordinary skill

in the art as a commonplace or standard accessory feature so as to apply additional

flow control.

6. Any inquiry concerning this communication should be directed to Matthew

C Graham at telephone number 703-308-2570.

MATTHEW C

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MATTHEW C. GRAHAM
PRIMARY EXAMINER
GROUP 310